

MARGARET M. SHALLEY  
& ASSOCIATES, LLC

OF COUNSEL:  
JAMES M. BRANDEN  
JAMES SHALLEY

February 18, 2020

VIA ECF & EMAIL

Hon. Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *U.S. v Brian Smith*  
19 CR. 131 (PAE)

Dear Judge Engelmayer:

I represent the defendant, Brian Smith, in the above-referenced matter. Currently, Mr. Smith's sentencing is scheduled for March 5, 2020. The purpose of this letter is to respectfully request a six-week adjournment of Mr. Smith's sentencing. In the presentence investigation report, Probation designated Mr. Smith as a career offender. Counsel needs additional time to obtain and review the related state court records from Suffolk County in order to address this calculation prior to sentencing. An adjournment of six weeks will provide counsel sufficient time to obtain these records and adequately address the enhancement in our sentencing submission. This is Mr. Smith's second request for an adjournment. The first request was granted. The Government consents to this request. Accordingly, it is respectfully requested that the defendant's sentencing be adjourned to the week of April 20, 2020, or a date that is convenient to the Court. Your Honor's consideration of this request is greatly appreciated.

Respectfully submitted,

**GRANTED.** Sentencing is adjourned to April 22, 2020  
at 2:30 p.m. The parties shall serve their sentencing  
submissions in accordance with this Court's  
Individual Rules & Practices in Criminal Cases. The  
Clerk of Court is requested to terminate the motion at  
Dkt. No. 300.

/s/

Margaret M. Shalley

SO ORDERED.

2/18/2020

*Paul A. Engelmayer*

PAUL A. ENGEIMAYER  
United States District Judge